

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

DEIMLER'S RECYCLING, INC. : CASE NO. 1-14-04994-MDF

Debtor : CHAPTER 7

LEON P. HALLER, Trustee :

Movant :

vs.

DAKOTA FINANCIAL, LLC, CONSERVIT,  
INC. DAVIS INVESTMENT  
GROUP, LLC and CONSOLIDATED SCRAP  
RESOURCES, INC.

Respondents :

**MOTION FOR AUTHORITY TO SELL AND TRANSFER VEHICLES, MACHINERY  
EQUIPMENT AND INVENTORY FREE AND CLEAR OF LIENS AND ENCUMBRANCES  
AT TRUSTEE'S AUCTION SALE**

1. Movant, Leon P. Haller, is the duly appointed qualified and acting Trustee in Bankruptcy in the above case with a place of business at 1719 North Front Street, Harrisburg, Dauphin County, Pennsylvania 17102.

2. Debtor is the owner of certain vehicles, machinery, equipment and inventory. The vehicles are unencumbered.

3. Respondent, Dakota Financial, LLC, 10100 Santa Monica Boulevard, Suite 300, Los Angeles, California 90067, holds a security interest in 2002 Ingersoll Rand VR 843, 2006 Bobcat 331E, John Deere 230 LC and Case 9030 B (hereinafter "Dakota Equipment)) by virtue of UCC Financing Statement filed to No. 2011-021606066. Dakota Financial, LLC is represented by Deidre M. Richards, the Lamm Group, 1608 Walnut Street, Suite 703, Philadelphia, Pennsylvania 19103

4. Respondent, Conservit, Inc., 18656 Leslie Drive, Hagerstown, Maryland 21740, claims a security interest in the machinery, equipment and inventory by virtue of UCC Financing Statement filed to No. 2014-011405153, Conservit, Inc., is represented by Paige MacDonald-Matthes, Obermayer, Rebmann, Maxwell & Hippel, LLC, Suite 400, 200 Locust Street, Harrisburg, Pennsylvania 17101.

5. Respondent, Davis Investment Group, LLC, 2340 Paxton Church Road, Harrisburg, Pennsylvania 17110, claims a security interest in the machinery, equipment and inventory by virtue of UCC Financing Statement filed to No. 2014-050717721.

6. Respondent, Consolidated Scrap Resources, Inc., 1616 Cameron Street, Harrisburg, Pennsylvania 17103. Consolidated Scrap Resources, Inc. had held a security interest in machinery and equipment by virtue of UCC Financing Statement filed to No. 2013-050304863. Trustee believes that Consolidated has been paid off and is not owed any money.

7. Trustee believes that it is in the best interest of the Estate to liquidate the vehicles, machinery, equipment and inventory in an orderly and timely manner in order to minimize ongoing administrative costs.

8. Trustee believes that public auction will be the most expeditious and economical means of selling the within property.

9. The proceeds from the sale of the machinery, equipment, inventory and vehicles will be distributed as follows:

- (a) Auctioneer's commission and expenses to Kerry Pae Auctioneers as set forth in Trustee's Application for Appointment of Auctioneer. The Auctioneer's marketing, advertising and sale costs, shall be prorated between funds received from sales of vehicles and the funds received from the sale of machinery, equipment, inventory and vehicles that are subject to liens.
- (b) Net proceeds from sale of vehicles to be deposited by Trustee to the Estate account pending further Order. The vehicles and VIN numbers are as follows:

1994 International VIN No. 1HTSDPNM3RH547654

1995 Mack Rollback VIN No. 1M2P264C4SM017472

1996 Mack Rollback VIN No. Undetermined

1997 International VIN No. 1HTSCABM5VH415266

1999 International VIN No. 1HTSLAAM7XH685619

1999 Ford SW           VIN No. 1FMPU18L8XLA93586

2001 International VIN No. 1HTSLADM11H341254

2000 Freightliner   VIN No. 1FUY3MCBOYLB19770

1998 Dodge Van       VIN No. 2B7KB31Z3WK163699

2002 Dodge Truck     VIN No. 1D7HA16K82J135275

- (c) Net proceeds from sale of machinery, equipment and inventory, after allowing auctioneer's commission and expenses, to be paid as follows:

- (1) 10% to Leon P. Haller, Trustee to be deposited in the Trustee's Bankruptcy Estate account.

- (2) Balance to be deposited in the Trustee's Estate account all valid liens to attach to the proceeds.
- (d) The proceeds from the sale of the Dakota equipment shall be paid as follows:
- (1) Auctioneer commission and advertising as set forth in Trustee's Application to Appoint Auctioneer.
  - (2) 4% of the proceeds to be deposited in the Trustee's Bankruptcy Estate account.
  - (3) Balance to Dakota on account of its first lien. Any excess funds after payoff to Dakota shall be deposited in the Trustee's Bankruptcy Estate account, valid liens to attach to the proceeds.
- (e) The proceeds from the sale of the 2006 ICB Model J88200 Hydraulic Excavator shall be paid as follows:
- (1) Payoff to American Capital Group which holds a security interest against the equipment for approximately \$42,000.00.
  - (2) Auctioneer commission and advertising as set forth in Trustee's Application to Appoint Auctioneer.
  - (2) 10% to the Trustee to be deposited in the Trustee's Bankruptcy Estate account.
  - (3) Balance, if any, to be deposited in the Trustee's Bankruptcy Estate account, any valid liens to attach to the proceeds.

10. The Trustee requests the Court to approve the sale of the property free and clear of liens and encumbrances at public auction.

WHEREFORE, Trustee prays your Honorable Court to enter an Order granting relief to sell the aforementioned property free and clear of liens and encumbrances at public sale and to allow the Trustee, Leon P. Haller, to execute any and all papers and documents necessary to effectuate said sale.

By: s/Leon P. Haller

Leon P. Haller, Trustee  
1719 North Front Street  
Harrisburg, PA 17102-2392  
(717)234-4178

Dated: April 3, 2015